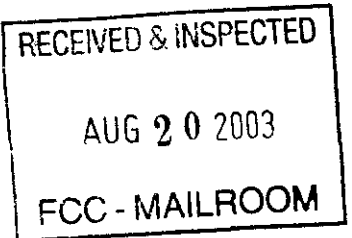


BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554



In the Matter of)
)
)
Rules and Regulations Implementing the) CG Docket No. 02-278
Telephone Consumer Protection Act of 1991)
)
To: The Commission)
)

PETITION FOR EMERGENCY CLARIFICATION

A Presidential Classroom for Young Americans Inc. ("PC") seeks a clarification of the rules governing unsolicited facsimile advertisements as they apply to our sending application materials to interested students.

Background

PC is a nonprofit, nonpartisan, 501(c)3 civic education organization that gives top high school students—from the United States and abroad—unprecedented access to the federal government and the people who shape public policy. Aimed at high-achieving students, our programs are unique and challenging leadership development experiences. PC Scholars must be high school juniors or seniors with a minimum 3.0 GPA with the Principal or faculty advisor's imprimatur. Students apply and a tuition or scholarship is required to attend. Attached is a copy of the 2004 PC brochure including the application.

The TCPA prohibits the use of any telephone facsimile to send an unsolicited advertisement without the recipient's prior express invitation or permission.¹ The term "unsolicited advertisement" is defined in the final rules as "any material advertising the

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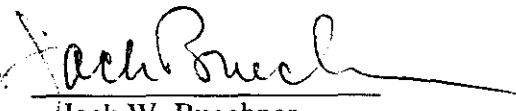
commercial availability or quality of any property, goods, or services which is transmitted to any person without that person's prior express invitation or permission."²

The definition of "unsolicited advertisement" as written in FCC Report 03-153 could be read to include PC's faxing of applications and related materials to prospective students who request the materials without first getting the required express invitation or permission. This requirement is burdensome and time consuming for PC as it is an operation that has a small staff and it is impossible for advance consents to be obtained because of the constant change in recipients/students of approximately 5,000 new students each year.

Conclusion

Since the FCC had a very broad definition of "unsolicited advertisement", which could be read to include PC's application materials, the FCC should rule that PC's application materials do not fall within the prohibited materials covered under TCPA, and it therefore is not required to comply with the FCC rule requiring an "express invitation or permission" from its fax recipients.

Respectfully Submitted,

By: 
Jack W. Buechner
President and CEO

Presidential Classroom
119 Oronoco Street
Alexandria, VA 22314
(703) 683-5400

¹ FCC 03-153 Report and Order Adopted June 26, 2003 ¶185

² FCC 03-153 Report and Order Adopted June 26, 2003, Appendix A Part 64 Subpart L 3(f)(10)